

UNITED STATES OF AMERICA,)
)
 Plaintiff,) Case No. CR05-231)
)
 v.) **PROPOSED FINDINGS**)
) **AND DETERMINATIONS**)
) **ON THE**)
 DARRELL J. MORRIS,) **ALLEGED VIOLATION OF**)
) **THE**)
 Defendant.) **SUPERVISED RELEASE**)

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on October 18, 2010. The defendant appeared pursuant to summons issued in this case. The United States was represented by Bruce Miyake, and defendant was represented by Michael Craig Nance. Also present was U.S. Probation Officer Jerrod Akins. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on April 14, 2001 by the Honorable John C. Coughenour for Possession of a Firearm. He received 30 months of detention and 36 months of supervised release.

On November 26, 2009, the Probation Office alleged Mr. Morris violated his supervision by possessing drugs, failing to report law enforcement contact, and falsifying his monthly reports.

1 Mr. Morris admitted the violations and on January 8, 2010, Mr. Morris was sentenced to serve 4
2 months of detention followed by 24 months of supervised release with the added conditions that
3 he participate in the Moral Reconciliation Therapy program and that he reside in a residential
4 reentry center for 120 days for violation of his conditions of supervised release.

5 PRESENTLY ALLEGED VIOLATIONS

6 In petitions dated August 26, 2010 and September 15, 2010, U.S. Probation Officer Jerrod
7 Akins alleged that defendant violated the following conditions of supervised release:

8 1. Consuming alcohol on August 10, 2010, in violation of the special condition that he
9 abstain from the use of alcohol.

10 2. Committing the crime of Assault in the Fourth degree in violation of the general
11 condition that he not commit another federal, state, or local crime.

12 3. Committing the crime of Harassment (Domestic Violence), in violation of the
13 general condition that he not commit another federal, state,

14 FINDINGS FOLLOWING EVIDENTIARY HEARING

15 Defendant admitted to violation 1. Violation 2 was amended to committing the crime of
16 Disorderly Conduct and defendant admitted this violation. Violation 3 was stricken. Defendant
17 waived any hearing as to whether they occurred, and was informed the matter would be set for a
18 disposition hearing on October 22, 2010 before District Judge John C. Coughenour.

19 RECOMMENDED FINDINGS AND CONCLUSIONS

20 Based upon the foregoing, I recommend the court find that defendant has violated the

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1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 18th day of October, 2010.

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6 BRIAN A. TSUCHIDA
7 United States Magistrate Judge
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